

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NOCERA, Carmelo; CECCONI, Vito

SERIAL NO.: 10/518,984

ART UNIT: 1722

FILED: June 23, 2005

EXAMINER: Fetsuga, R. M.

TITLE: SIPHON FOR SINK OR SIMILAR ELEMENT

AMENDMENT "B"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Sir:

In response to the Office Action of March 13, 2006, a response being due with a Request for Continued Examination by June 13, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 9 -13 have been canceled and new Claims 14 - 16 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of correcting for certain informalities identified by the Examiner and for more clearly distinguishing the present invention from the prior art.

In the Office Action, the Examiner has rejected Claims 9 - 11 and 13 under 35 U.S.C. §102(b) as anticipated by the Shinn patent. Claim 12 was rejected under 35 U.S.C. §103(a) as being

unpatentable over the Shinn patent. The claims were rejected under 35 U.S.C. §112, first paragraph, as lacking an enabling disclosure. There were also various informalities identified in the specification and the claims.

As an overview to the present reply, Applicant has amended the previous independent Claim 9 in the form of new independent Claim 14. New independent Claim 14 addresses many of the concerns of the Examiner. In particular, rather than identifying that the upper portion and the lower portion are "snapped together forcibly by said locking means", Applicant has now recited that "said upper portion and said lower portion are forced together by snapping said locking means". Applicant's attorney believes that such language conforms to the suggestions of the Examiner. Apparently, there is a typographical error associated with the definition of the "locking means". In particular, it now recited that the locking means is "for locking said upper portion to said lower portion" instead of the language "for locking said upper portion to said lower clip". Applicant has revised the language pertaining to "at least one clip" so as to recite "a clip". Previous dependent Claim 11 has been canceled since such language is included within the language of new independent Claim 14. In dependent Claim 17, reflecting original dependent Claim 13, Applicant has utilized the language that one of the rims is "engaged" within the other of the rims rather than the term "embedded". Applicant respectfully contends that these features should address the formality concerns of the Examiner.

So as to more clearly distinguish the present invention from the prior art Shinn patent, Applicant has incorporated the limitations of previous dependent Claim 10 into the language of independent Claim 9. This combined language is found in new independent Claim 14.

In particular, Applicant respectfully contends that the locking means disclosed in the Shinn

patent is quite different from the locking means as defined by independent Claim 14 herein. The locking means in the Shinn patent includes a latch having a pivot pin 35 about which a lever 36 is pivotally mounted at its lower end (see column 4, lines 25 - 27). This lever plate 36 is actually located at an upper part of the drain trap apparatus. The Shinn patent also includes a latch rod 37 and a fixed loop 38. The latch rod 37 is linked to the lever plate 36. A latch member 17b is attached to the lower portion of the drain trap. It is configured in the form of a hook that is cooperative with the fixed loop and the latch rod 37.

In contrast, the locking means of the present invention includes a base that is connected to an upper part of the drain trap, a stud that extends outwardly of the other portion of the water trap, and a locking element 15 that is linked in a pivoting manner to the base 13 and cooperative with the stud 14. In the present invention, the locking means only has a single moving part, i.e. the locking element 15. This is in contrast to the locking means of the Shinn patent which includes the latch plate 36 joined to the upper part of the drain trap, the latch rod 37 joined to the latch plate 36 and the fixed loop 38. The latch member 17b of the drain of the Shinn patent is not a stud, but rather a hook. On this basis, Applicant contends that independent Claim 14 is patentably distinguishable from the features disclosed in the Shinn patent. The present invention carries out a function and achieves results that are neither shown nor suggested by the Shinn patent.

Applicant has revised the specification so as to correct for the numerical error identifying the "upper portion 2".


Based upon the foregoing analysis, Applicant contends that independent Claim 14 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 14 should also be in

claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

Date

6-13-06



John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax